

REMARKS

This is intended to be a complete response to the Office Action mailed March 25, 2010. To begin with, Applicant wishes to thank Examiner Pich for his review of the pending claims in view of the cited references and also for his assistance during the Telephone Interview discussed below. As agreed to by Examiner Pich, the currently pending claims are not anticipated or rendered obvious by the references cited in the Office Action. Therefore, Applicant respectfully requests reconsideration and withdrawal of each objection and rejection of the pending claims and passage of said claims to allowance.

In the response, independent claims 1 and 20 are amended as suggested by Examiner Pich to make explicit that the password protecting the content file cannot be learned by the recipient. Support for the amendments can be found in paragraph [0004] of the disclosure, which recites, in relevant part, "the recipient or user cannot learn either the user or the owner password." Therefore, no new matter is introduced by said amendments.

Telephone Interview

A Telephone Interview was conducted between Examiner Pich and Applicant's Attorney (Joseph D. Maxey, Reg. # 64,685) on June 18, 2010. The interview focused primarily on the cited references (Martinez and Grant McDonald) and also the language recited in independent claims 1 and 20. In particular, the language discussed was the term "revealed" and its meaning within the context of the instant application. Applicant's

Attorney and Examiner Pich discussed and agreed on language in the specification that supports Applicant's position that not revealing the password to the recipient means the recipient cannot learn the password, rather than simply not showing the password to the recipient. Independent claims 1 and 20 have been amended to include this language. During the interview, Examiner Pich agreed that the Martinez and Grant McDonald references do not disclose such features.

Applicant would like to thank Examiner Pich for his time in conducting the interview and for his invaluable assistance during the interview. In view of the amendments to claims 1 and 20, and as agreed to by Examiner Pich, the cited references do not disclose the elements required by independent claim 1 and 20, wherein the recipient cannot learn the password. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of the currently pending claims and passage of said claims to allowance.

Claim Objections

The Office Action objects to newly added claim 33 under 35 U.S.C. § 112, first paragraph, because it "contains subject matter which was not described in the specification in such a way as to reasonable convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention." For at least the reasons discussed below, it is Applicant's belief that claim 33 is supported by the application, as originally filed.

As the Examiner is aware, “[t]he subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.” See MPEP 2163.02. One manner of showing possession of the invention is by Applicant including a “description of an actual reduction to practice” of the element. See MPEP 2163. In this case, Applicant has provided a description of at least one actual reduction to practice implementing the elements recited in claim 33.

Claim 33 requires, in relevant part, “the unlocking program to verify that it is operating on the recipient’s computer that it was distributed to.” The manner in which this is accomplished can take a variety of forms. In one example, as described in paragraph [0041], the unlocking program can send an e-mail to the owner’s or distributor’s e-mail account wherein the e-mail contains information regarding the recipient’s computer.

More particularly though, paragraph [0039], and Fig. 8 to which it refers, includes a description disclosing another example of a manner to accomplish the verification required by claim 33. As recited in paragraph [0039], “the unlocking program 16 can send data identifying the recipient’s computer 14 to the remote computer to obtain authorization.” As illustrated at step 84 of Fig. 8:

data from user computer is collected (i.e., identifiers in registry) and e-mail sent (with user data) to predetermined address. Program reads e-mail message previously sent to predetermined address (from server it was sent to) and detects the presence of data sent. If data sent matches (some or all) data retrieved – user permitted to continue using program.

As would be understood in the art, collecting and forwarding data about the computer the unlocking program is operating on to be compared to previously sent data corresponding to the recipient's computer the unlocking program was originally loaded on is one manner of verifying that the unlocking program is operating on the recipient's computer that it was distributed to. For example, if the unlocking program was copied onto a different computer, the registry data for that computer would not match the previously sent registry data from the recipient's computer that it was originally installed on. If the copied unlocking program did not pass this verification process shown in Fig. 8, the "program terminates." If the unlocking program is still operating on the recipient's computer it was originally loaded on, then the data about the recipient's computer would match the previously sent data and the user would be "permitted to continue using the program." That is, using the process, for example, described in paragraph [0039] and shown in Fig. 8, the unlocking program can "verify that it is operating on the recipient's computer that it was distributed to."

In view of the above, it is Applicant's belief that the originally filed application fully discloses the "unlocking program [verifying] that it is operating on the recipient's computer that it was distributed to," as recited in new claim 33. Therefore, Applicant respectfully requests reconsideration and withdrawal of the objection to claim 33 under 35 U.S.C. § 112, first paragraph.

Rejection of Claims 1, 20-21 and 30 – 35 U.S.C. § 103

The Office Action rejects claims 1, 20-21, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Martinez (U.S. Pat. No. 7,136,490) in view of Grant McDonald ("Meet Critter: serial 2000, An interview with Critter of Serial 2000"). For at least the reasons set forth below, Applicant herein traverses the rejection of claims 1, 20-21, and 30 under 35 U.S.C. § 103(a) as being unpatentable over the Martinez/Grant McDonald combination.

Applicant's inventive concepts are directed to a method and system to prevent content piracy. Independent claims 1 and 20 are herein amended to clarify that the "recipient cannot learn the password" that protects the password protected content file. During the Telephone Interview of June 18, 2010, Examiner Pich agreed that the Martinez and Grant McDonald references did not disclose a system wherein the user cannot learn the password. Therefore, Applicant traverses the rejection of claims 1, 20-21, and 30, based on the Martinez and Grant McDonald references.

Specifically, the Martinez and Grant McDonald references do not disclose, or even suggest "wherein the password embedded within the unlocking program is not revealed to a recipient using the recipient's computer such that the recipient cannot learn the password," as recited in claim 1, or "wherein the password locking the password protected content file is not revealed to a recipient viewing the password protected content file such that the recipient cannot learn the password," as recited in claim 20. Instead, as discussed in detail in response to the Office Action mailed November 1, 2009, each of these references specifically requires that the user know or

learn the applicable password. The entire contents of the previous response are expressly incorporated herein by reference.

In view of the above, Applicant agrees with Examiner Pich that the combination of Martinez and McDonald does not teach or suggest the inventive features recited in the pending claims, as amended. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 20-21, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of McDonald and passage of said claims to allowance.

Rejection of Claim 22 – 35 U.S.C. § 103

The Office Action then rejects dependent claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Grant McDonald and further in view of Schreiber et al. (U.S. Pat. No. 6,298,446). The Office Action offers Schreiber for the proposition that it teaches “a means for preventing a screen capture representing at least a portion of the content stored in the password [protected] content file,” as recited in claim 22. However, the Schreiber reference does not teach the limitations noted missing from Martinez and Grant McDonald with respect to independent claim 20, from which claim 22 depends.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 22 under 35 U.S.C. § 103(a) and passage of said claim to allowance.

Rejection of Claims 24-29 – 35 U.S.C. § 103

The Office Action then rejects dependent claims 24-29 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Grant McDonald and further in view of Winneg et al. (U.S. Pat. No. 7,069,586). Applicant notes that dependent claim 28 is cancelled from consideration in the instant application. Therefore, the rejection of claim 28 is rendered moot.

The Office Action offers the Winneg reference for the proposition that it teaches “monitoring the running of at least one system administration program [capable of terminating the unlocking program],” as recited in dependent claim 24. However, the Winneg reference does not teach the limitations noted missing from Martinez and Grant McDonald with respect to independent claim 20, from which claims 24-27 and 29 depend.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 24-27 and 29 under 35 U.S.C. § 103(a) and passage of said claims to allowance.

Rejection of Claims 33 – 35 U.S.C. § 103

The Office Action then rejects dependent claim 33 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Grant McDonald and further in view of Schull (U.S. Publ. No. 2002/0004785). The Office Action offers the Schull reference for the proposition that it teaches “contains authorization logic that when executed by the recipient’s computer causes the unlocking program to verify that it is operating on the

recipient's computer that it was distributed to," as recited in dependent claim 33. However, the Schull reference does not teach the limitations noted missing from Martinez and Grant McDonald with respect to independent claim 1, from which claim 33 depends.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 33 under 35 U.S.C. § 103(a) and passage of said claims to allowance.

Allowable Subject Matter


The Office Action states that claim 4 would be allowable if rewritten to overcome any objections or rejections set forth in the instant Action and to include all of the limitations of the base claim and any intervening claims. Applicant wishes to thank Examiner Pich for indicating the allowability of claim 4. However, as discussed above, the prior art of record does not disclose or suggest the elements recited in independent claim 1, from which claim 4 depends. Therefore, Applicant respectfully requests a Notice of Allowance to be issued in the instant case.

CONCLUSION

This is intended to be a complete response to the Office Action mailed March 25, 2010. For the reasons set forth above and the amendments submitted herewith, Applicant believes that the pending claims are in condition for allowance and therefore respectfully requests reconsideration and withdrawal of each objection and/or rejection of the pending claims and passage of said claims to allowance.

Should the Examiner have any questions regarding the instant application, or the remarks contained herein, Applicant's attorney would welcome the opportunity to discuss such matters with the Examiner.

Respectfully submitted,



Marc A. Brockhaus
Registration Number 40,923
DUNLAP CODDING, P.C.
Customer No. 30589
P.O. Box 16370
Oklahoma City, Oklahoma 73113
Telephone:(405) 607-8600
Facsimile:(405) 607-8686

Attorney for Applicant